

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,)
)
Plaintiff,)
v.) Civil Action No. 05-495-JJF
)
LAWNS UNLIMITED LTD., and)
EDWARD FLEMING)
Defendants.)
)

ORDER

WHEREAS, on April 13, 2007, Plaintiff filed a Motion to Compel (D.I. 77) requesting the Court to compel the attendance of Defendant Edward Fleming at a deposition scheduled for May 2, 2007, to be held at Graver Technologies, in Glasgow, Delaware;

WHEREAS, on April 13, 2007, Plaintiff filed a Motion to Compel (D.I. 74) requesting the Court to cancel her deposition scheduled for April 20, 2007;

WHEREAS, Plaintiff did not appear at her properly noticed deposition;

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. Plaintiff's Motion to Compel the Cancellation of Plaintiff's Deposition is **DENIED AS MOOT**;
2. Plaintiff's Motion to Compel Defendant Edward Fleming to Appear for Deposition is **DENIED**;
3. Plaintiff is ordered to appear for deposition within seven (7) days of the date of this Order or shall face sanctions, including but not limited to the assessment of costs, other sanction, or dismissal of the case in its entirety;
4. Defendant Edward Fleming is ordered to appear for deposition within seven (7) days from the date of Plaintiff's deposition but, in any event, shall not be required to appear on any date from May 2, 2007 to May 7, 2007;

5. Plaintiff is ordered to hold Defendant Edward Fleming's deposition at one of the following locations: (1) the principal place of business of Defendant Lawns Unlimited, LLC in Milton, Delaware; (2) the Georgetown, Delaware offices of Young Conaway Stargatt and Taylor, LLP; or (3) the Wilmington, Delaware offices of Young Conaway Stargatt and Taylor, LLP.

Dated: _____, 2007

UNITED STATES DISTRICT JUDGE